IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA NO.3780 of 2001

DATE OF DECISION: January 8, 2007

Charanjit Batra and others

….Appellants.

VERSUS

Shanti Devi and others

….

Respondents

CORAM:- HON'BLE MR. JUSTICE VINEY MITTAL

PRESENT: Shri Anil Shukla, Advocate for the appellants.
Shri Vishal Sharma, Advocate for the respondents.

Viney Mittal,J.(Oral).

This order shall dispose of two Regular Second Appeals being RSA No.3780 of 2001 and RSA No.3442 of 2001 as both the appeals have arisen out of common judgments and decrees passed by the Courts below

As a matter of fact, two suits were filed before the trial Court. One suit was filed by Moti Ram (predecessor-in-interest of the present appellants) for permanent injunction for restraining Shanti Devi and Jagdish Lal, defendants from opening any doors/windows in the site which was claimed to be a private court-yard by the plaintiff Moti Ram.

Defendants Shanti Devi and Jagdish Lal claimed that the site in question was not a private court-yard of the plaintiff.

The second suit was filed by Shanti Devi. She also sought permanent injunction for restraining the defendants Municipal Committee and Moti Ram from changing the nature of the suit property, in any manner and from raising any construction.

Both the Courts below have concurrently held that the site in question was a public street and was not shown to be a court-yard as claimed by Moti Ram. On that basis, the suit filed by the plaintiff Moti Ram was dismissed and the suit filed by Shanti Devi was decreed.

Nothing has been shown that the findings recorded by the Courts below suffer from any infirmity or are contrary to any evidence on record.

No question of law, much less any substantial question of law, arises in the present two appeals.

Both the appeals are consequently dismissed.

January 8, 2007 (Viney Mittal)
KD Judge

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA NO.3442 of 2001

DATE OF DECISION: January 8, 2007

Charanjit Batra and others

….Appellants.

VERSUS

Municipal Committee and others

….

Respondents

CORAM:- HON'BLE MR. JUSTICE VINEY MITTAL

PRESENT: Shri Anil Shukla, Advocate for the appellants.
Shri Vishal Sharma, Advocate for the respondents.

Viney Mittal,J.(Oral).

For orders, see RSA No.3780 of 2001 (Charanjit Batra and others v. Shanti Devi and others)

January 8, 2007 (Viney Mittal)
KD Judge